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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWINNA FIRMEZA,

Defendant.

No. CR 12-00449-1 YGR

STIPULATION AND ORDER TO
CONTINUE SENTENCING HEARING
FROM JUNE 12, 2013 TO
JULY 18, 2013

Date: June 12, 2013

Time: 2:00 p.m.

Court: Hon. Yvonne Gonzalez Rogers

The above-captioned matter is set on June 12, 2013 at 2:00 p.m. before the Hon. Yvonne Gonzalez Rogers for sentencing. The parties request that the Court vacate this date and reset the matter for sentencing on July 18, 2013.

Ms. Firmeza pleaded guilty to a charge of bank fraud relating to the misrepresentation of income on loan applications for two residential properties. One of the residential properties was sold in foreclosure. The other had been set for trustee's sale at various times, but has never been sold. Ms. Firmeza is now in the process of attempting to effectuate a short sale on that property.

1 Previously, Ms. Firmeza's real estate agent presented an offer to the bank of \$850,000.
2 That offer was rejected. She now has presented an offer of \$920,000 that the bank is
3 considering. According to Ms. Firmeza's real estate agent, there is no strict time line within
4 which the bank can accept or reject the offer, but that they generally hear back within 60 days.
5 Today, counsel for Ms. Firmeza was informed that in addition, there is a back-up offer of
6 \$1,000,000, should the current offer be rejected (the current value of the home on Zillow.com is
7 approximately \$1,065,000). Ms. Firmeza's real estate agent is motivated to conclude the deal
8 and has been diligent about contacting the bank's agent in an attempt to speed up this process.
9

10 Restitution remains an ongoing issue in this matter. All parties agree that, to the extent
11 possible, restitution should be determined prior to sentencing.
12

13 A short continuance is also requested to enable Ms. Firmeza and her child to participate
14 in counseling. The pendency of this case has caused a significant amount of stress on her and
15 her 9 year old son. Recently, Ms. Firmeza began counseling for her son (to date, her son has had
16 two sessions) and the plan is for Ms. Firmeza to begin individual therapy and join in family
17 therapy with her son. A continuance to July 18 would allow the counselor sufficient interaction
18 with the Firmezas to fully evaluate their current mental health and provide an opinion to the
19 Court.
20

21 For these reasons, the parties agree to a continuance of the sentencing hearing.
22

23 SO STIPULATED.

24 Dated: June 4, 2013

_____/S/_____
Keslie Stewart
Assistant United States Attorney


26 Dated: June 4, 2013

_____/S/_____
Camellia Baray
Attorney for Ms. Firmeza

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2 For good cause shown, the sentencing hearing set for June 12, 2013 is continued to July
3 18, 2013 at 2:00 p.m.

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5 IT IS SO ORDERED.

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8 DATED: June 7, 2013


Hon. Yvonne Gonzalez Rogers
United States District Judge